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C O N F I D E N T I A L SECTION 01 OF 02 KYIV 002206

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SUBJECT: UKRAINE: EXTRAORDINARY RADA SESSION TAKES AIM AT
OU'S CAMPAIGN

REF: KYIV 1837

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Classified By: Ambassador for reasons 1.4 (b,d).

¶1. (U) Summary: The Rada's majority coalition held an extraordinary parliamentary session on September 4, at Speaker Moroz's behest. With 269 MP's registered as present, they voted to amend two clauses of the constitution in order to eliminate parliamentary and presidential immunity, thereby preempting Our Ukraine-People's Self Defense and President Yushchenko on their own key campaign issue. The Rada, ignoring the fact that it is inquorate, also discussed the 2008 budget and increases in public pensions and government salaries. Most Cabinet Ministers attended the session, led by First Deputy Prime Minister Azarov, giving the session a further stamp of approval from Regions, although PM Yanukovych was out of Kyiv. Regions also gathered approximately 4,000 supporters to demonstrate outside the Rada to increase publicity for the session. Regions oligarch Rinat Akhmetov told the Ambassador that he had opposed his faction's participation, but Regions's consultants told PM Yanukovych that not to attend would open the party to attacks from the left that it was betraying the current coalition and could cost them electoral support. President Yushchenko went on national television on September 3 to denounce the Rada session as illegitimate and as political maneuvering to try to derail the upcoming elections. Neither BYuT nor Our Ukraine (OU) attended the session, with the exception of a few defectors. As an easy out, the Rada voted to spend the rest of the month attending to non-plenary business, allowing them to argue that they are still an active parliament.

¶2. (C) Comment. That all players across the spectrum -- with the possible exception of the Socialists and Communists -- agree that the Rada session cannot adopt any binding law underscores that today's events were merely political theater. By voting, even symbolically, to eliminate deputy's immunity, the coalition has made it harder for OU-PSD to argue to the public that Regions opposes canceling MP benefits. Moreover, Yushchenko's numerous public statements about the illegitimacy of today's Rada session suggest that he was concerned that the "null and void" Rada session was damaging to him politically. End summary and comment.

Rada Opens and Votes, To Little Practical Effect

¶3. (SBU) Moroz opened the September 4 Rada session with another vitriolic attack on the President, accusing Yushchenko of distorting the Constitution and saying he would be accountable for his "crimes". Moroz called for the Constitutional Court to examine Yushchenko's decree disbanding the Rada and calling for new elections. The

Speaker described Yushchenko's claims that the Rada session is illegitimate as political "adventure" and noted that under the Constitution, the Rada's authority remains valid until a new Rada is seated. All told, 269 members of the Rada were registered as in attendance, although television cameras showed far fewer. Coalition members from Regions, the Communist Party, and the Socialist Party all were in attendance, as were a small number of defectors from BYuT and OU. They cast 259 votes to amend the constitution to abolish parliamentary and presidential immunity. They also voted to spend the rest of the month in non-plenary mode -- in faction, committee, and constituent work. Roughly 4,000 Regions supporters demonstrated outside of the Rada in order to support the extraordinary session.

¶4. (SBU) Just before the Rada session began, Regions MP Volodymyr Makeyenko told the press that his party will participate in the early elections, indicating that Regions is not buying into the Moroz line that the upcoming elections are illegitimate. The President and leaders of the opposition, along with various other minority parties, all described the Rada extraordinary session as little more than political show. Only the Socialists and Communists appeared to give any credence to the session.

¶5. (C) Embassy Comment. The significance of the voting is mostly symbolic. Our understanding of the Ukrainian political system is that an inquorate Rada cannot pass laws. The Rada legally exists in the sense that its deputies retain their status until the next Rada is seated, meaning hearings and non-plenary business can continue, but without a quorum of 300, it cannot pass legislation or have a real session. Moreover, amending the constitution is a lengthy process involving multiple Rada votes in separate sessions and a review by the Constitutional Court. End comment.

Akhmetov: We Had to Go to Protect Our Flank

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¶6. (C) Regions financier Rinat Akhmetov told Ambassador on September 4, that Regions's political consultants had warned Yanukovych that if Regions did not attend the extraordinary Rada session, the Communists and Socialists would gain valuable ammunition to claim that Regions was not loyal to the current government coalition. This could result in the loss of two to three percent of the vote -- a percentage that could be critical to determining the composition of the next governing coalition. Akhmetov had told the PM that he opposed returning to the Rada -- it was a waste of time -- but Yanukovych had decided it was not worth losing votes by boycotting. Regions knows that nothing binding or serious could take place, but it was simple campaign logic to embrace the annulment of immunity for parliamentary deputies since the measure is widely supported by the electorate.

Yushchenko/OU Losing the Wind in their Sails?

¶7. (C) OU has made annulling parliamentary immunity the major plank in its campaign, and hoped to use it to distinguish itself from the other parties. Regions, Socialist, and Communist support for the annulment will effectively blur the issue to the electorate and could neutralize OU's major theme. In his latest statement on the Rada session, Yushchenko accused his rivals of turning the Rada into a circus and a laughing stock. He appealed for calm orderly elections after which he said the Rada will decide on parliamentary immunity, raising pensions and salaries, and a budget. Yushchenko also singled out Yanukovych by name, telling him that decisions taken in the Rada session will have no legal effect. Yanukovych responded by saying Yushchenko is entitled to his "subjective opinion".

The PM also denied trying to disrupt the elections by participating in the Rada session and argued, at least

publicly, that the Rada session is indeed legitimate.

Moroz Grasping at Straws

¶8. (C) As noted reftel, the Rada session also appeared to be one more play by Moroz to remain relevant since pre-election polling and the general feeling, even among Socialist stalwarts, is that the Socialists are heading for a dreadful election showing. In addition to the question of immunity, Moroz is pushing other hot button bread and butter issues dealing with pensions and salaries in an effort to help his own stalling campaign. All indications are that the Socialists will not make it past the three-percent threshold bar into the next Rada.

¶9. (U) Visit Embassy Kyiv's classified website:
www.state.sgov.gov/p/eur/kiev.

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